



November 18, 2010

James E. Herring, *Chairman*  
Lewis H. McMahan, *Member*  
Edward G. Vaughan, *Member*  
J. Kevin Ward, *Executive Administrator*

Jack Hunt, *Vice Chairman*  
Thomas Weir Labatt III, *Member*  
Joe M. Crutcher, *Member*

Texas Water Development Board  
P.O. Box 13231  
Austin, Texas 78711-3231

**Re: Guadalupe-Blanco River Authority Simsboro Project – Water Infrastructure Funding**

Dear Board Members and Executive Administrator:

Environmental Stewardship represents the interests of concerned citizens and the water resources of the Lost Pines Region primarily located in Bastrop and Lee counties of Texas. We are specifically concerned that the Guadalupe-Blanco River Authority (GBRA) Simsboro Project threatens the economic, ecological and social well being of our region. We are especially concerned that the process of “taking” water from our region to be exported to another region has been done without the consent of our local regional water planning group and groundwater conservation district. For the reasons given below, we are requesting that the Board instruct the Executive Administrator to resolve the conflict between Regions L and K prior to approval of the 2011 Regional Water Plan for Region L, and prior to approval of funding of the GBRA Simsboro Project. We further request that the conflict be resolved by removing the GBRA Simsboro Project from the Region L Water Plan as a “recommended” strategy and subsequently not authorizing the Water Infrastructure Funds.

We consider the proposed “overdraft” of groundwater from the Lower Colorado Regional Water Planning Group (Region K) and the Lost Pines Groundwater Conservation District required by the South Central Texas Regional Water Planning Group (Region L) to be a “conflict” that must be resolved before the 2011 Regional Water Plan for Region L can be approved and the requested \$2.5 million Water Infrastructure Funding authorized.

Attached are copies of letters and testimony between Regions K, L and Lost Pines GCD that demonstrate that Region L has wholly and willfully disregarded the interests of Region K in establishing the GBRA Simsboro Project as a “recommended strategy” in conflict with the current and historic plans of Region K and the Lost Pines GCD. The actions of Region L on behalf of the GBRA Simsboro project create a “conflict”, as recognized in statute, between Region L and Region K, and between Region L and the Lost Pines GCD, which has not been resolved or agreed by either Region K or the Lost Pines GCD. The Texas Water Development Board (TWDB) has a statutory duty to facilitate a resolution of this conflict prior to approving the 2011 Regional Water Plan, prior to approving Water Infrastructure Funds, and prior to submitting a summary of the 2011 Regional Water Plans to the Legislature in January 2011.

**Exhibits Attached:**

September 30, 2010 Letter from Representative Tim Kleinschmidt to Governor Rick Perry

Requesting that the Texas Bond Review Board “intervene regarding the issuance of government bonds to fund the purchase of water from Central Texas.”

September 30, 2010 press release by Representative Tim Kleinschmidt

Announcing that he has 1) “officially asked the Texas Water Development Board to mediate the conflict” between Region K and Region L, and 2) “called upon the Legislative Budget Board and the Bond Review Board to intervene regarding the issuance of government bonds to fund the purchase of the water from Central Texas”.

July 30, 2010 letter from Region K to Region L

Informing Region L that the “GBRA Simsboro Project, as a ‘recommended’ WMS, **results in a conflict with the Region K IPP as it exceeds the allotted water availability.**” “Region L is effectively recommending that the water within the Simsboro be ‘mined’, and the available groundwater quantities be exceeded. **This ‘overdraft’ policy has been rejected by Region K. Region K requests Region L consider revising its IPP to reflect the GBRA Simsboro Project as an ‘alternative’ WMS.**” (Emphasis added)

Comments from Lost Pines GCD to the 2011 Region L IPP

Informing Region L that the desire for water from the GBRA Simsboro Project “was not included in the basis for establishing DFC’s in GMA 12.” “While the exact impact has yet to be quantified, it can be stated with assurance that groundwater production in excess of recharge, such as is proposed by the GBRA Simsboro Project, would have a depletion effect on storage in LPGCD and in GMA-12.”

February 10, 2010 letter from Region K to Region L

Responding to the Region L questions indicating that 1) Yes, the export quantities associated with the GBRA Simsboro Project “exceed the regional planning estimates of available groundwater in Bastrop (and) Lee counties”, and 2) No, Region K has not identified any alternative water management strategies.” “Region K has planned to fully use the Carrizo-Wilcox to supply demands in our Region. Based on data from the Lost Pines GCD, the district has already permitted considerably more water than appears to be available. **At this time, Region K believes that the Region L request creates a potential conflict.**” (Emphasis added)

January 25, 2010 letter from Region L to Region K

Identifying the GBRA Simsboro project as a recommended project in the Region L Water Plan, recognizing that the project may create an “over-allocation”, providing their rationale as to why this is not a conflict”, and requesting a response to three (3) questions.

Public Comment to GBRA Board 12/16/09 by Lost Pines GCD

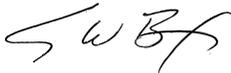
Regarding that the 50,000 acre feet per year being requested: “The wells, if permitted and drilled, would be subject to the LPGCD rule 8.3 which stipulates a five year operating permit ... The District is concerned that groundwater from LPGCD (Lee and Bastrop counties) is being viewed as a permanent solution for a long term need. A supply of groundwater from LPGCD should be considered as being an interruptible supply.”

**CITIZENS’ PETITION TO KEEP OUR GROUNDWATER FOR LOCAL USE**

We are also taking this opportunity to advise you of our petition (copy attached) that is being circulated for supporting signatures from the citizens of our region and the receiving region. We will be presenting you with the results of this petition at your December Board Meeting.

We look forward to working with the Texas Water Development Board and the Executive Administrator in resolving these concerns. Thank you for the opportunity to present our concerns.

Respectfully submitted,



Steve Box, Executive Director  
Environmental Stewardship

cc: State Senator Glenn Hegar  
State Representative Tim Kleinschmidt  
Tilmon Lee Walker, Chair GBRA

John Burke, Chair Region K  
Con Mims, Chair Region L  
Joe Cooper, GM Lost Pines GCD

Environmental Stewardship is a charitable nonprofit organization whose purposes are to meet current and future needs of the environment and its inhabitants by protecting and enhancing the earth’s natural resources; to restore and sustain ecological services using scientific information; and to encourage public stewardship through environmental education and outreach. We are a Texas nonprofit 501(c) (3) public charity headquartered in Bastrop, Texas. For more information visit our website at [Environmental-Stewardship.org](http://Environmental-Stewardship.org).